## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

1 ''	icant's 9311F	_	ent's file reference	FOR FURTHER A	CTION		n of Transmittal of Internation Report (Form	
International application No. PCT/US 03/31677				International filing date 01.10.2003	(day/mont	h/year)	Priority date (day/mor 04.10.2002	nth/year)
	nationa F7/08		ent Classification (IPC) or be	Loth national classification	and IPC		I	
	icant DU F	тиоч	DE NEMOURS AND	COMPANY et al				
1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.							
2.	This	REP	ORT consists of a total of	of 4 sheets, including	this cover	sheet.		
:	This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							vings which have fore this Authority
	These annexes consist of a total of sheets.							
	· · ·	<u> </u>		· -				
3.	This	repo	rt contains indications re	lating to the following	items:			
	1	$\boxtimes$	Basis of the opinion	3				
	ii		Priority					
	111		Non-establishment of	opinion with regard to	noveltv. ir	ventive step a	nd industrial applicat	ility
	١٧		Lack of unity of inventi	· .	······ <b>,</b>			
	V Beasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement							
	VI		Certain documents cite	ed				
	VII	VII $\ \square$ Certain defects in the		international application				
VIII   Certain observations on the international application								
	.,					·		
Date of submission of the demand					Date of	completion of th	is report	
29.04.2004					11.10.	2004	· · · · · · · · · · · · · · · · · · ·	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2					Authoriz	zed Officer		Learning Petamon, E
		NL	-2280 HV Rijswijk - Pays B	as.	De Jo	ng, B		0)))
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016					Telepho	one No. +31 70 3	340-2833	is To was a ship . When

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US 03/31677

I.	Bas	is o	f the	report

1. With regard to the **elements** of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)):

	Des	scription, Pages							
	1-50	ס	as originally filed						
	Clai	ima Numbara							
		ims, Numbers							
	1-15	5	as originally filed						
2.		With regard to the <b>language</b> , all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.							
	The	These elements were available or furnished to this Authority in the following language: , which is:							
		the language of a tra	nslation furnished for the purposes of the international search (under Rule 23.1(b)).						
		the language of publi	cation of the international application (under Rule 48.3(b)).						
		the language of a tra Rule 55.2 and/or 55.3	nslation furnished for the purposes of international preliminary examination (under 3).						
3.	<ol> <li>With regard to any nucleotide and/or amino acid sequence disclosed in the international appli international preliminary examination was carried out on the basis of the sequence listing:</li> </ol>								
		contained in the inter	national application in written form.						
		filed together with the	e international application in computer readable form.						
		furnished subsequen	tly to this Authority in written form.						
		furnished subsequen	tly to this Authority in computer readable form.						
		The statement that the in the international approximation of the international approximation of the statement of the statemen	ne subsequently furnished written sequence listing does not go beyond the disclosure oplication as filed has been furnished.						
		The statement that the listing has been furni	ne information recorded in computer readable form is identical to the written sequence shed.						
4.	The	amendments have re	esulted in the cancellation of:						
		the description,	pages:						
		the claims,	Nos.:						
		the drawings,	sheets:						
5.		This report has been been considered to g	established as if (some of) the amendments had not been made, since they have go beyond the disclosure as filed (Rule 70.2(c)).						
		(Any replacement sh report.)	eet containing such amendments must be referred to under item 1 and annexed to this						
6.	Add	litional observations, i	f necessary:						

#### INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

International application No.

PCT/US 03/31677

- V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Yes: Claims

1-15

No:

Claims

Inventive step (IS)

Yes: Claims Claims

No:

1-15

Industrial applicability (IA)

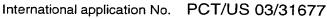
Yes: Claims

1-15

No: Claims

2. Citations and explanations

see separate sheet



### **EXAMINATION REPORT - SEPARATE SHEET**

#### Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: WO 01/70671 A (DU PONT ;LAHM GEORGE P (US); MYERS BRIAN J (US); SELBY THOMAS P (U) 27 September 2001 (2001-09-27)

D2: WO 02/062807 A (ERDELEN CHRISTOPH; BAYER AG (DE); BRETSCHNEIDER THOMAS (DE)) 15 August 2002 (2002-08-15)

Document D1, which is considered as the CPA discloses insecticidal compounds of formula (I) in which R3 (substituent which is attached to the amide nitrogen) can represent a number of organic groups. These organic groups can be substituted by a C3-C6 trialkylsilyl group.

In view of this prior art, the problem was to provide alternative pesticides. In order to solve this problem the skilled person would try other organic groups substituted by a C3-C6 trialkylsilyl group and so come to the compounds of the present application without an inventive step.

In this respect it is noted that document D2 discloses structurally related pesticidal phthalic acid diamides, in which one of the substituents which is attached to the amide nitrogen is exactly the same as the silicium containing substituent used in the application.